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Counsel for Plaintiff

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875 Third Avenue, 18th Floor  
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(212) 808-0700  
Local Counsel for Plaintiff

SYSCO FOOD SERVICES OF METRO  
NEW YORK, LLC,

Plaintiff,

v.

JEKYLL & HYDE, INC.; DEACON BRODY  
MANAGEMENT INC. d/b/a JEKYLL &  
HYDE GREENWICH VILLAGE and  
DONALD R. FINLEY; BAYVILLE  
ENTERTAINMENT INC. d/b/a BAYVILLE  
ADVENTURE PARK; SIXTH AVENUE  
FOOD SERVICES LTD.; NEW CASTLE  
FOODS INC.; DAVEY JONES LOCKER  
MANAGEMENT, INC. d/b/a SHIP WRECK  
TAVERN; and 186 WEST 4TH ST.  
MANAGEMENT CO. INC. d/b/a OLIVERS  
BAR & GRILL,

Defendants.

UNITED STATES DISTRICT  
COURT  
FOR THE SOUTHERN DISTRICT  
OF NEW YORK

Civil Case No. 08-cv-02958

**NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT  
ON COUNTS I, II, III, IV, V, VI AND VII OF THE COMPLAINT  
PURSUANT TO FED. R. CIV. P. 56**

**PLEASE TAKE NOTICE** that upon the annexed Declaration of Charnelle

Harvey, sworn to on July 24, 2009, the Declaration of Melissa A. Peña, sworn to on July

24, 2009, the Declaration of Steven Mitnick, sworn to on July 22, 2009, and all exhibits annexed thereto, plaintiff's Statement pursuant to Local Rule 56.1, the accompanying Memorandum of Law in Support, and all prior pleadings and proceedings in this action, plaintiff, Sysco Food Services of Metro New York LLC ("Sysco"), will move this Court, at a date and time to be determined, pursuant to Federal Rule of Civil Procedure 56 seeking judgment on Counts I, II, III, IV, V, VI and VII of the Complaint against defendants and granting such other and further relief as this Court deems just and proper.

**NOTICE IS FURTHER GIVEN** that responses to the Motion, if any, shall be served on Norris McLaughlin & Marcus, P.A., 875 Third Avenue, 18th Floor, New York, New York, 10022.

Dated: July 24, 2009  
New York, New York

NORRIS MCLAUGHLIN & MARCUS, P.A.

/s/ Melissa A. Peña

Melissa A. Peña (MP-3320)  
875 Third Avenue, 18th Floor  
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*Local Counsel for Plaintiff, Sysco Food Services of  
Metro New York, LLC*

-and-

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*Co-Counsel for Plaintiff, Sysco Food Services of  
Metro New York, LLC*

To: Lawrence Rader, Esq.  
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(Via ECF)